

73A JUDICIAL DISTRICT COURT
60 West Sanilac Avenue
Sandusky, MI 48471

James A. Marcus
District Court Judge

May 29, 2008

Supreme Court Clerk
P. O. Box 30052
Lansing, MI 48909

Re: ADM File No. 2006-16

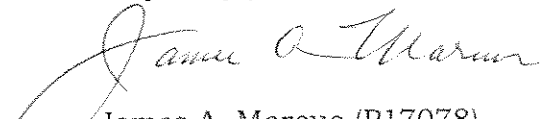
Dear Court Clerk:

I am writing this letter to express my concern with the proposed amendment of MCR 6.302. I am particularly concerned with proposed Section (C)(1) that prohibits the judge from participating in any discussions involving a plea agreement.

As the sole district court judge in a rural county, every year I handle approximately 1400 criminal cases and over 2000 civil cases. If the vast majority of the criminal cases were not resolved without a jury trial, the entire court docket would become hopelessly backlogged. In the triangle of Prosecutor, Defense Counsel, and Defendant many times personality conflicts prevent cases from being rapidly resolved. The participation of the judge in these discussions is essential to docket management and aids in the resolution of these cases.

With the emphasis on reducing dockets, this proposed amendment is a step backwards. In the district court the process of plea negotiation does not require repair.

Very truly yours,


James A. Marcus (P17078)
73A District Court Judge

JAM:rm

